

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JANETTE KENNEDY,)	
)	
Plaintiff,)	
)	
v.)	2:10-CV-279-PPS-PRC
)	
UNITED STATES POSTAL)	
SERVICE, TANGELA BUSH,)	
DONNA BLACK, DONALD)	
HARRIS and ARTHUR BACON,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Defendants’ unopposed motion to dismiss Counts II and IV of plaintiff Janette Kennedy’s complaint [DE 26].

Count II of Kennedy’s complaint asserts a claim for violation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, 5 U.S.C. § 2301, *et seq.* [DE 1, ¶62]. Count IV of the complaint asserts a claim for intentional infliction of emotional distress [*Id.*, ¶¶ 68-71]. Defendants have jointly moved to dismiss both counts under Rule 12(b)(6). Additionally, Defendants seek dismissal of Count II under Rule 12(b)(1). In her response brief, Kennedy states that she has no objection to the dismissal of these counts [DE 28].

Where a motion to dismiss is unopposed, the district court may summarily grant the motion. *See, e.g., Rangel v. Schmidt*, No. 2:09-CV-071, 2009 WL 5068351, at *3 (N.D. Ind. Dec. 16, 2009) (summarily granting unopposed motion to dismiss; collecting cases); *Sanders v. Town of Porter Police Dept.*, No. 2:05-CV-377, 2006 WL 2457251, at *2 (N.D. Ind. Aug. 22, 2006) (same); *see also* N.D. Ind. L.R. 7.1 (“[f]ailure to file a response or reply within the time prescribed may subject the motion to summary ruling.”).

Accordingly, the Court summarily **GRANTS** Defendants' unopposed motion to dismiss [DE 26]. Counts II and IV of plaintiff Janette Kennedy's complaint [DE 1] are **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

ENTERED: January 3, 2011

s/ Philip P. Simon
PHILIP P. SIMON, CHIEF JUDGE
UNITED STATES DISTRICT COURT